

PROB 12B
(7/93)

Report Date: July 27, 2006

United States District Court

for the

Eastern District of Washington

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)**

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 31 2006

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Name of Offender: Steven Duane Burgess

Case Number: 2:98CR02123-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 6/14/1999

Type of Supervision: Supervised Release

Date of Revocation Sentence: 4/13/2005

Original Offense: Crime on Indian Reservation -
Assault Resulting in Serious Bodily Injury and/or Aid
and Abet, 18 U.S.C. §§ 1153; 113 (a)(6); and 2

Date Supervision Commenced: 7/24/2006

Original Sentence: Prison - 46 Months; TSR - 36
Months

Date Supervision Expires: 2/23/2008

Revocation Sentence: Prison - 18 months; TSR - 18
months

PETITIONING THE COURT

To modify the conditions of supervision as follows:

20. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
21. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

CAUSE

Recent 9th Circuit case law requires the Court to specify a specific number of urine tests to be set. Enclosed is a waiver signed by the defendant agreeing to the above modifications of his conditions of supervised release.

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Re: Burgess, Steven Duane

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Respectfully submitted,

by



Jose Vargas

U.S. Probation Officer

Date: July 27, 2006

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other



Signature of Judicial Officer

7/31/06

Date

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**United States District Court**

JUL 31 2006

Eastern District of WashingtonJAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

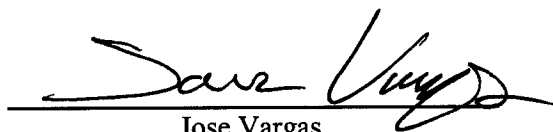
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my supervision:


To modify the conditions of supervision as follows:

20. You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
21. You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising probation officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Witness:


Jose Vargas
U.S. Probation Officer

Signed:

 7-27-06
Steven Duane Burgess
Probationer or Supervised Releasee

July 27, 2006

Date